

## REMARKS

This application was filed originally claiming benefit pursuant to 35 USC § 120 of the earlier filing date of:

US Patent No. 6,824,069  
Issued: November 30, 2004  
Title: PROGRAMMABLE THERMOSTAT SYSTEM EMPLOYING A  
TOUCH SCREEN UNIT FOR INTUITIVE INTERACTIVE INTERFACE  
WITH A USER  
Inventor(s): Howard Rosen  
Serial No. 10/060768  
Filing Date: 1/30/2002

Applicant hereby disclaims for the present application the benefit of the earlier filing date of Serial No. 10/060768 pursuant to 35 USC § 120 and accepts as the filing date of this application that date on which the application was actually filed with the USPTO, i.e., the filing date indicated above with this application's information.

All the claims of US Patent No. 6,824,069 are being disclaimed by the Applicant for the entire term of that patent. Applicant seeks to sever all connection between US Patent No. 6,824,069 and the present application.

Co-pending applications or issued patents that were originally filed as continuations in part of Serial No. 10/060768 are shown in the following list:

Serial No.	Filing Date	Status
10/654,235	9/3/2003	PENDING
10/654,930	9/3/2003	PENDING
10/654,236	9/3/2003	ISSUED
10/878,825	6/28/2004	PENDING
10/875,579	6/24/2004	PENDING
29/179,077	4/4/2003	ISSUED

All benefit of the earlier filing date of Serial No. 10/060768 as to the above are being disclaimed as well. Submitted with this preliminary amendment is a supplemental disclosure of additional references. Applicant has only recently become aware of these references in relation to pursuing a business transaction.

Respectfully submitted,

February 4, 2005

A handwritten signature in black ink, appearing to read "D. Bracken". The signature is written in a cursive, flowing style.

David T. Bracken  
Reg. No. 37,522